

DAVID BURCHARD
CHAPTER 13 TRUSTEE
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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:
EDGARDO L. and ANGELITA Z.
SINIGAYAN
118 BELCREST AVENUE
DALY CITY, CA 94015

###-##-9024 ###-##-4932
Debtor(s).

Case No.: 09-3-4112 SFM13
Chapter 13

OBJECTION TO CONFIRMATION, WITH A
MOTION TO DISMISS, OF THE CHAPTER 13
PLAN, BY DAVID BURCHARD, CHAPTER 13
TRUSTEE AND NOTICE

341 MEETING OF CREDITORS:

Date: 02/11/2010
Time: 10:00 AM
Place: Office of the United States Trustee
235 Pine Street, Suite 850
San Francisco, California

CONFIRMATION HEARING:

Date: 03/10/2010
Time: 1:30 PM
Place: United States Bankruptcy Court
235 Pine Street 22nd Floor
San Francisco, California

DAVID BURCHARD, Chapter 13 Trustee in the above-entitled action, hereby objects to Confirmation of the Chapter 13 Plan proposed hereunder by Debtor(s) for the following reason(s).

1. The Trustee is in receipt of Debtors' Chapter 13 Plan, which was filed after the Notice of Bankruptcy was filed, and therefore, was not served on all creditors as notice of this bankruptcy filing had already been served. The Trustee requests Debtor serve a copy of this plan to all creditors and file a certificate of service evidencing said service.
2. Debtors have provided for a deduction for Transportation expense of \$489.00 per month in question 29 of the Form B22C, while listing no expense for Debtors' second vehicle in their schedules. Pursuant to 11 U.S.C. Section 707(b)(2), Debtors may only claim this deduction if they have an expense for the vehicle. The Trustee requests an amended Form B22C be filed that removes this deduction.
3. Paragraph 4A of Debtors' plan reflects Citifinancial Auto with a collateral value of \$8,300.00, while Schedule D reflects a value of \$6,500.00. Trustee requests the appropriate documents are amended in order that they are accurate and consistent.
4. Schedule D reflects Chase Home Finance with a value of "Unknown," while Schedule A reflects a value of \$454,000.00. Trustee requests an amended Schedule D.
5. Question 31 "Other Necessary Expenses: mandatory deductions for employment" of the Form B22C reflects \$794.74. Said expense is not listed on Schedule I. Trustee requests clarification.

6. Question 55 “Qualified retirement deductions” of the Form B22C reflects \$400.00. Said deduction is not listed on Schedule I. Trustee requests clarification.
7. Schedule J reflects an expense of \$672.74 for a repayment of a 401k loan through paycheck. Schedule I fails to reflect said expense. Trustee requests clarification.
8. Trustee’s copy of Debtor’s petition does not contain an Application for Approval of Attorney Fees and Statement of Attorney Pursuant to Bankruptcy Rule 2016(b). Trustee requests a copy of these documents as filed with the court.
9. Trustee requests Debtors provide the appropriate declaration that details Debtors income for the six months prior to the filing of the bankruptcy.
10. Trustee requests a signed copy of Debtors’ 2008 Federal income Tax Return to be received no later than four business days prior to the date of the first scheduled Meeting of Creditors.

PLEASE TAKE NOTICE that, without prior notice, at the above-referenced confirmation hearing date assigned to your Chapter 13 case, the Court may DISMISS the above-referenced case upon making a determination that Debtor(s) has/have not presented a feasible Plan, Debtor(s) has/have not made the required payments under the Plan, Debtor(s) has/have violated the statutory debt limitations set for a Chapter 13 case, Debtor(s) has/have not filed this proceeding in good faith, Debtor(s) has/have not provided documents and/or Schedules and Plan as required under the Bankruptcy code, and/or Debtor(s) has/have not provided the Trustee with Payment Advices or Declarations, as required by the written Order Re: Payment Advices in Chapter 13 Cases, dated September 26, 2006.

Dated: January 22, 2010

DAVID BURCHARD

DAVID BURCHARD, Chapter 13 Trustee

Certificate of Mailing

I, TINA MITCHELL, the undersigned, certify that:

I am over the age of 18 years and not a party to this action. I am employed by the Trustee whose business address is 393 Vintage Park Drive, Suite #150, Foster City, CA. On the date set forth below, I served a copy of the Objection to Confirmation, with a Motion to Dismiss, of the Chapter 13 Plan, by David Burchard, Chapter 13 Trustee and Notice, and this Certificate of Mailing, on the persons listed below by following our ordinary business practice for service, which is either deposited in the ordinary course of business with the U.S. Postal Service by first class mail or served by electronic transmission from the Court, if applicable. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EDGARDO L. and ANGELITA Z. SINIGAYAN
118 BELCREST AVENUE
DALY CITY, CA 94015

JAMES A MICHEL
ATTORNEY AT LAW
2912 DIAMOND ST #373
SAN FRANCISCO, CA 94131-3208

United States Trustee
235 Pine Street, Suite 700
San Francisco, CA 94104

Dated: January 22, 2010

TINA MITCHELL

TINA MITCHELL